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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,730	05/17/2000	CHARLES ERIC HUNTER	0108020-0533877	9231

26874	7590	01/11/2008
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EXAMINER	
ALVAREZ, RAQUEL	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
01/11/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dbell@fbtlaw.com

## Office Action Summary

Application No.

09/465,730

Applicant(s)

HUNTER ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-19,22,23,73-79,83 and 84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-19,22,23,73-79,83 and 84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to communication filed on 10/16/2007.
2. Claims 14-19, 22-23, 73-79 and 83-84 are presented for examination.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 14-17, 73-79, 81-84 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (6,236,330 hereinafter Cohen).**

With respect to claims 14, 73-74, 76, 77, 83, 84 Cohen teaches a method of providing video or still image advertisements at selected locations on a network of multiple display screen that are located in traffic areas (Abstract). Providing advertising customers the opportunity to electronically order display of advertising content at display screen locations selected by the advertising customers via an electronic advertising customer interface (i.e. advertiser 28 access a station via a web site to order a message content and schedule a display)(col. 5, lines 5-12); receiving advertising content from the advertising customers (col. 5, lines 5-12); transmitting advertising content received

from the advertising customers to the selected display screen locations (see display 14); driving the display screen at each selected location to display the transmitted advertising content in accordance with the advertising customers' orders (see col. 3, lines 48-52 and col. 4, lines 60-65).

With respect to claim 75, Cohen further teaches generating a bill in accordance with the order (col. 5, lines 24-32).

With respect to claim 78, Cohen further teaches sending the advertising content to the selected display screens using wireless communications (col. 3, lines 34-39).

With respect to claims 79, and 81-82, Cohen further recites any of a variety of known electronic driven changeable displays, including LED, liquid crystal displays (col. 3, lines 53-65).

With respect to claims 15-17, Cohen further teaches verifying the display for appropriateness of the time and content of the display (col. 4, lines 60-65).

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 22-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Official Notice.**

Claims 22-23 further recite detecting defective pixels on the display and automatically calibrating the defective pixels. Official notice is taken that it is old and well known in the imaging arts to detect and automatically calibrate the defective pixels in order to improve the image.

**7. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Cragun (5,504,675 hereinafter Cragun).**

Claims 18-19 further recite detecting customer traffic near the selected display locations and generating market analysis report from the detection of traffic. Cragun teaches collecting data pertaining to the proximity of persons around a presentation unit display and using the collected data to further run sales promotion programs (Abstract). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included detecting customer traffic near the selected display locations and generating market analysis report from the detection of traffic in order to obtain the above mentioned advantage.

**Response to Arguments**

8. The Examiner has changed the rejection from a 102(b) to a 102(e) rejection based on the amendment to perfect priority to 4/28/1999.

9. Applicant argues that Cohen will not be entitled to the priority date of the continuation-in-part patent no. 6,060,993 of 11/3/1998 which predates Applicant's priority date of 4/28/99 because according to Applicant, the Cohen '993 patent doesn't provide support for an advertiser electronically ordering advertisements and the system receiving content from the advertisers. The Examiner disagrees with Applicant because the Cohen '993 patent clearly teaches an electronic system for communicating with advertisers, as taught by col. 5, lines 21-23 of the '993 patent. Advertisers 28 communicate with the system via a network to receive e-mail and the like and therefore it is clear that there's electronic communication with the advertiser 28. In the '993 patent, the system has to receive messages from advertisers 28 in order for the advertisers 28 to be billed and to choose the advertisements that they want to promote (col. 2, lines 58-61). Therefore, contrary to Applicant's arguments, the Cohen '993 patent is able to receive electronically receive advertisements from advertisers 28 through a communication network and therefore, the '993 patent is entitled to a reference date that predates Applicant's effective date of 4/28/1999.

**Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Point of contact**

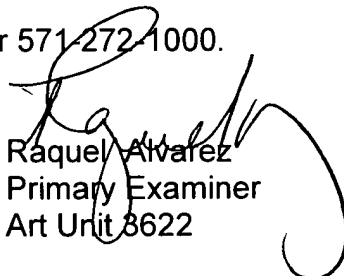
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
09/465,730  
Art Unit: 3622

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
4/3/2007